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and Edwin Fujinaga*

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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

Hoy's, Inc., Skill Properties, LLC, James Massengill, Kaylea Massengill, and Haldun, Inc.,

Plaintiff,

vs.

EBJ&F, LLC, Med-Health Pharmaceutical Products, LLC, and Edwin Fujinaga,

Defendants.

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EBJ&F, LLC, Med-Health Pharmaceutical Products, LLC, and Edwin Fujinaga,

Counterclaimants,

vs.

Hoy's Inc., Skill Properties, LLC, James Massengill, Kaylea Massengill, and Haldun, Inc.; DOES I though X; ROE CORPORATIONS XI through XX, inclusive,

Counter-Defendants.

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Defendants and Counterdefendants EBJ&F, LLC, Med-Health Pharmaceutical Products, LLC, and Edwin Fujinaga, by and through their court-appointed receiver on the one hand, and Plaintiffs and Counterclaimants Hoy's, Inc., Skill Properties, LLC, James Massengill, Kaylea Massengill, and Haldun, Inc., on the other hand, hereby stipulate and agree:

1           **A.     Discovery that has been completed.**

2           The parties have each made their initial disclosures, and supplements thereto.

3           Each party has propounded and responded to one set of written discovery.

4           Plaintiffs have identified one expert, and produced a partial expert report.

5           Both parties have produced several thousands of pages of documents. In total, there have  
6           been well over 10,000 pages of documents produced.

7           **B.     Discovery that remains to be completed.**

8           Defendants/Counterclaimants intend on taking the depositions of the  
9           Plaintiffs/Counterdefendants and propounding subpoenas on third parties, along with additional  
10          discovery that is required. Defendants/Counterclaimants intend on supplementing their  
11          disclosures as necessary, propounding further written discovery, and deposing witnesses before  
12          the end of discovery. Defendants/Counterclaimants further intend on disclosing experts as  
13          necessary.

14          Additional discovery is required as to the amounts paid towards the outstanding  
15          indebtedness that Defendants/Counterclaimants allege is owed by Plaintiffs/Counterdefendants.

16           **C.     The reasons why the deadline was not satisfied or the remaining discovery  
17          was not completed within the time limits set by the discovery plan.**

18          The parties have continued to discuss settlement and have continued to evaluate various  
19          possible settlement approaches. Prior to receiver's involvement in this case, the parties had  
20          previously agreed to a tentative settlement agreement of this litigation. The tentative settlement,  
21          however, returned control of certain assets to Defendants herein, which was not appropriate or  
22          advisable given the receivership. Counsel for Receiver is approaching settlement from an  
23          entirely different perspective, and has advised Plaintiffs and Counterdefendants that a settlement  
24          offer will be forthcoming in the next several days. The parties would like to avoid the expense  
25          of finalizing expert reports, particularly in this instance as the dispute arguably includes many  
26          tens of thousands of transactions over several years.

27          The parties are hopeful that with just a few more weeks, a settlement may be possible,  
28          and the parties therefore request the Court accommodate this request to facilitate this process.

1           **D. A proposed schedule for completing all remaining discovery.**

	<u>Current Deadline</u>	<u>Proposed Deadline</u>
3 Disclosure of Initial Expert Reports	10/20/2015	11/13/2015
4 Disclosure of Rebuttal Expert Reports	11/20/2015	12/11/2015
5           All other discovery deadlines shall remain unchanged from the Scheduling Order Entered 6 on 9/10/2015 (Dkt. 77).		

7           DATE October 19, 2015.

9           LYNCH LAW PRACTICE, PLLC

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17          and  
18          MARQUIS AURBACH COFFING.  
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23          Attorneys for Plaintiffs/Counter-Defendants

24          **IT IS SO ORDERED.**

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26          \_\_\_\_\_  
27          UNITED STATES MAGISTRATE JUDGE

28          DATED: 10-19-2015